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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,543	10/09/2003	Kenneth Hagan	8301-00236	9716
26659	7590	05/22/2006	EXAMINER	
RAGGIO & DINNIN, P.C. 2701 CAMBRIDGE COURT, STE. 410 AUBURN HILLS, MI 48326			ESTREMSKY, GARY WAYNE	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/682,543

Applicant(s)

HAGAN, KENNETH

Examiner

Gary Estremsky

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/18/06 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2,7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear if "orifice" of claim 2 refers to different orifice than claim 1 or is double inclusion of same element. Clarification and/or correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3676

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-13 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,561,556 to Fuchs in view of U.S. Pat. No. 5,165,148 to Fleischer.

Fuchs '556 teaches Applicant's claim limitations including : a "base" – including 1, a "handle" – including 3,32, a "bracket" – 5, a "lever having an orifice" – 7.

Although Fuchs '556 does not illustrate a spring between the handle and a pin, Fleischer '148 for example, discloses a similar latch and teaches that it is well known to provide a pin and spring to bias the handle. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the latch of Fuchs '556 with a pin and spring in order to provide bias to the handle position. One of ordinary skill in the art would have more than a reasonable expectation of success since the proposed modification would not otherwise affect latch structure.

As regards claim 3, Fuchs 556 discloses the handle comprising 2 members that form a yoke structure in the vicinity of part 2. Fleischer '148 discloses that it is well known to form the handle from 2 members placed along side and functioning as one. Consequently, although teaching of Fuchs '556 is sufficient to anticipate broad limitation, it would have been obvious nonetheless to form the handle of Fuchs '556 from two members in the way of Fleischer '148 as a design choice since such modification would not otherwise affect function of the latch and is a well known manufacturing expedient in the art.

As regards claim 4, although the pin (44) of Fleischer is disclosed to be between bifurcated ends, it would have been an obvious design choice or engineering expedient to one of ordinary skill in the art at the time of the invention to provide a cantilevered pin with a projection on its end for example, a relatively enlarged, cylindrical knob' structure, to keep the spring from sliding off where the examiner takes Official Notice that such cantilevered pin with projection structure is well known for the purpose of holding an end of spring and is equivalent in the function of providing a spring end attachment point.

As regards claim 5, although the references relied upon do not specifically indicate a "fastener", it would have been obvious to connect the two portions of the handle, as modified in view of Fleisher '148 with at least one fastener to ensure that the 2 portions function as 1, as intended. One of ordinary skill in the art would have more than reasonable expectation of success since the proposed modification would not affect function of the device and examiner takes Official Notice that it is well known to attach 2 members together to function as one single integral member using fastener(s).

Allowable Subject Matter

6. while allowable subject matter was indicated previously, the discovery of additional prior art has resulted in a new grounds of rejection.

Response to Arguments


7. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 571 272-7055. The examiner can normally be reached on M-Thur 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gary Estremsky
Primary Examiner
Art Unit 3676